



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/526,606	03/16/2000	Robert S. Mancini	3499-59	1911
27383	7590	11/03/2004	EXAMINER	
CLIFFORD CHANCE US LLP 31 WEST 52ND STREET NEW YORK, NY 10019-6131			BASHORE, ALAIN L	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

M

Office Action Summary	Application No.	Applicant(s)	
	09/526,606	MANCINI ET AL.	
Examiner	Art Unit		
Alain L. Bashore	3624		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 01 June 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 40-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 41-47 and 50 is/are allowed.
- 6) Claim(s) 40, 48-49, 51-55 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 40 and 48-49, 51-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boesch et al (433) in view of Potter et al.

Boesch et al discloses a computer-implemented method, system, a computer executable code residing on a computer-readable medium, and a method of generating a computer data signal, all for providing risk management for online transactions on a computerized communications network (col 2, lines 62-67; col 3, lines 1-41). Executable software is stored on a server via the network. Digital data identifying a seller and descriptive of currency exchange price that relates to base currency is also disclosed. The transaction may additionally comprise aggregating transaction amounts where the size of the aggregate amount may be limited (col 8, lines 49-53).

Boesch et al does not inherently disclose:

a predetermined period of time during which currency exchange price will be adhered to for amounts exchanged as a result of one or more transactions; and,
digital data that includes date of transaction execution.

Potter et al discloses predetermined period of time during which currency exchange price will be adhered to (see abstract) and digital data including date of transaction execution (figs 15-23).

It would have been obvious to one with ordinary skill in the art to modify Boesch et al to include digital data that includes date of transaction execution because Potter teaches inputs required for transaction to commence (col 3, lines 21-25).

It would have been obvious to one with ordinary skill in the art to include a predetermined period of time during which currency exchange price will be adhered to for amounts exchanged as a result of one or more transactions because of what is taught by both Boesch et al and Potter et al. Boesch et al teaches a maximum predetermined period of time for the transaction (col 5, lines 10-15). And Potter et al teaches liability of state rates (see abstract).

Regarding the reference to Potter, since Potter teaches that an offer must be recalculated after a certain time period because of market fluctuations, it would have

been obvious to one with ordinary skill in the art would utilize considerations to all aspects of an offer, including the sale of goods and services at a price desired.

Allowable Subject Matter

3. Claims 41-47, 50 are allowed. Allowable subject matter requires a second level review for applications in class 705 before a notice of allowance is mailed to applicant.

Response to Arguments

4. Applicant's arguments filed 6-01-04 have been fully considered but they are not persuasive.

Since Boesch et al teaches a maximum transactional level, there is present multiple transactions (col 5, lines 5-10). Since Boesch et al discloses individual sellers, there is present differentiation.

Since Potter teaches that money rate offers are time sensitive there is taught time period effectiveness and determinations.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

Art Unit: 3624

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:00 am to 4:30 pm (Monday thru Thursday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Alain L. Bashore
Primary Examiner
Art Unit 3624